S.B.CRIMINAL MISC. BAIL APPLICATION NO.3433/06

Date : 10.08.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. R.R. Vyas for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.
Mr. D.L. Rawla for Mr. Anand Purohit for complainant.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State assisted by learned counsel for the complainant and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that in the instant case, one of the co-accused has already been enlarged on bail though his name appeared in the First Information Report and he was allegedly responsible for mis-appropriating the fund of the firm. He submits that as the applicant has retired four months ago, he cannot be held responsible for the allegation of mis-appropriation. He further submits that no inquiry etc. is to be made from him and as regard factum that the firm has been closed is absolutely false and he has got nothing to do with the firm. In last he prays

that once the applicant has retired and his retirement has been accepted by other partners of the firm, therefore, his case may be considered for anticipatory bail.

On the other hand, learned Public Prosecutor and learned counsel for the complainant have opposed the bail application and submitted that the accused-applicant remained with the firm and transaction took place in his tenure, therefore, he should not be enlarged on bail.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case and the fact the applicant has retired from the firm and in this connection documents have been placed on record, I deem it just and proper to grant anticipatory bail to the applicant. Accordingly, it is directed that in the event of arrest of applicant Jaswant Singh son of Babu Singh by I.O./S.H.O. in FIR No.324/2006 P.S. Kotwali, Sri

Ganganagar, he shall be released on bail provided he furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.

vijayant